

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

STATE OF DELAWARE)
Warden Plaintiff, Joseph Biden Jr. III)
Thomas Carroll, Attorney)
General)
HARRY J. SMITH, et al,)
Defendant.)

1:07-CV-408 JJF
Civil Action No. VN96-12-0965-01
Request to Enter Default
ID# 981204656

MOTION FOR ENTRY OF DEFAULT JUDGMENT, RULE 55 (a)

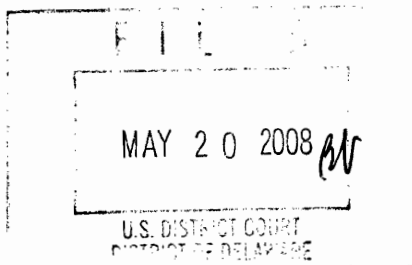
To Federal District Court, Clerk of the United States District
Court for the District of Delaware:

Upon motion of Default of Judgement, Plaintiff request that
the Clerk of the Court Enter a Default against the Defendant's for failure to plead or otherwise
defend or respond to Rule 35A Appeal as provided by the Federal
Rules of Civil Procedure, as appears from the Affidavit for Entry of Default hereto attached.

The STATE OF DELAWARE is the Plaintiff in the above-entitled action;
that the 3rd extension motion in this action were served on
defendant on December 5th, 2007, as appears from the Attorney General
Office, that the time within which the Defendant's may answer or otherwise
moves as to the Extension time has expired, that
Defendant's has not answered or otherwise moved and that the time for Defendants to answer or
otherwise move has not been extended.

Dated: 5/17/08 Harry J. Smith

Delaware Correctional Center
1181 Paddock road
Smyrna, DE 19977



IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

STATE OF DELAWARE
Warden Plaintiff, Joseph Biden Jr. III
Thomas Carroll, Attorney General
v.
HARRY J. SMITH, et al,
Defendant.

1:07-CV-408
Civil Action No. VN96-12-0965-01
ID#981204656

STATE OF DELAWARE)
COUNTY OF NEW Castle) ss.:

AFFIDAVIT FOR ENTRY OF DEFAULT

I HARRY J. SMITH, being duly sworn, deposes and say
that Joseph Biden Jr. III, Attorney General -
Thomas Carroll is the Plaintiff in the above-entitled action;
that the Extension motion in this action were served on
Defendant on December 5th, 2007, as appears from the Attorney General
Office, that the time within which the Defendant's may answer or otherwise
moves as to the Extension time deadline of date 12-19-07 has expired, that
Defendants has not answered or otherwise moved and that the time for defendants to answer or
otherwise move has not been extended.

Harry J. Smith
Signature of Affiant

Subscribed and sworn to before me this 8th day of May, 2008

Timothy J. Mauck
NOTARY PUBLIC
Commission Expires: June 14, 2008

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

STATE OF DELAWARE)
Warden Plaintiff, Joseph Biden Jr. III)
Thomas Carroll, Attorney)
Phelps v. General)
HARRY J. SMITH, et al,)
Defendant.)

1:07-CV-408
Civil Action No. VN96-12-0965-01
Request to Enter Default
ID#981204656

ORDER

NOW THEREFORE, The Clerk of the Court is satisfied, by the moving party's affidavit or otherwise, the defaulting party has failed to plead or otherwise defend, IT IS HEREBY ORDER that:

1. Plaintiff's Motion under Fed. R. Civ. P. 55(a) is GRANTED.
2. The defaulting Defendants is deemed to have admitted all well-pleaded allegation in the _____

Date

United States District Court Clerk

Other Orders/Judgments

1:07-cv-00408-JJF Smith v. Carroll et al

HABEAS, PaperDocuments

U.S. District Court

District of Delaware

Notice of Electronic Filing

The following transaction was entered on 12/5/2007 at 7:58 AM EST and filed on 12/5/2007

Case Name: Smith v. Carroll et al

Case Number: 1:07-cv-408

Filer:

Document Number: No document attached

Docket Text:

SO ORDERED, re [16] Third MOTION for Extension of Time to File *Certified State Court Records* filed by Thomas Carroll, Attorney General of State of Delaware, ORDER, Setting Deadlines: Notice of Compliance deadline set for 12/19/2007 for filing of State Court Records. Signed by Judge Joseph J. Farnan, Jr. on 12/5/07. (dab)

1:07-cv-408 Notice has been electronically mailed to:

James Turner Wakley james.wakley@state.de.us

1:07-cv-408 Notice has been delivered by other means to:

Harry J. Smith
SBI #154166
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Certificate of Service

I, HARRY J. SMITH, hereby certify that I have served a true

And correct cop(ies) of the attached: Default of Judgement
Motion upon the following

parties/person (s):

to: U.S. District Court
Judge Joseph J. Farwan,
Jr. United States District
Court 844 N. King Street,
Lockbox 18 Wilmington, DE
19801-3570

to: Warden P Helps
Delaware Correctional
Center 1181 Paddock
Road Smyrna, Delaware
Zip Code 19977

to: Attorney General
Joseph Biden Jr. III
Office Thomas Carroll
of the State of Delaware
820 North French Street
Wilmington, Delaware
19801

TO: _____

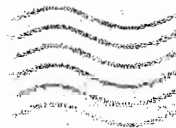
BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this _____ day of _____, 200__

I/M HARRY J. SMITH
SBI# 154166 UNIT DW
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

WILMINGTON DE 197

19 MAY 2008 PM 2 L



To Office of the Clerk
United States District Ct.
844 N. King Street Box 18
Wilmington, Delaware
19801-3570

19801/3519

